

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RONNIE JONES, ET AL.,

Plaintiffs,

V.

CITY OF BOSTON, ET AL.,

Defendants.

CIVIL ACTION

NO. 05-11832-GAO

**HEARING REQUESTED**

**PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF NON-PRIVILEGED  
DEPOSITION TESTIMONY AND A RULE 26 PRIVILEGE LOG**

Plaintiffs Ronnie Jones, Richard Beckers, Walter Washington, William Earl Bridgeforth, Shawn N. Harris, Eugene Wade George C. Downing, Jr., Clararise Bristow, Rachelle Couch, Keri Hogan, and the Massachusetts Association of Minority Law Enforcement Officers, (together referred to herein as “plaintiffs”) hereby move, pursuant to Rules 26 and 37 of the Federal Rules of Civil Procedure, for an Order compelling defendants to (i) make Sandra DeBow available to provide the full and complete deposition testimony to which Plaintiffs are entitled, and (ii) produce to Plaintiffs a detailed privilege disclosure that is fully compliant with the requirements of Fed. R. Civ. P. 26(b)(5)(A). The grounds for this motion are set forth in the accompanying memorandum of law, and a proposed Order is attached hereto as ***Exhibit A***.

Further, because defendants have never articulated any good faith basis for continuing to withhold the privilege log following numerous requests from plaintiffs' counsel and assurances that a privilege log would be forthcoming, defendants should be ordered to pay the plaintiffs' costs, including attorneys' fees, incurred in bringing this Motion, in an amount to be determined upon submission of an affidavit setting forth such costs.

## REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), plaintiffs respectfully request a hearing on this motion.

**CERTIFICATION PURSUANT TO RULE 7.1(A)(2)**

I, Eric A. Heining, counsel for the plaintiffs, hereby certify pursuant to Local Rule 7.1(A)(2) that I conferred with counsel for defendants, prior to filing this motion in an attempt to resolve the issues in dispute, and that we were unable fully and completely to resolve our disagreement.

Respectfully Submitted,

**RONNIE JONES, RICHARD  
BECKERS, WALTER WASHINGTON,  
WILLIAM EARL BRIDGEFORTH,  
SHAWN N. HARRIS, EUGENE WADE  
GEORGE C. DOWNING, JR.,  
CARARISE BRISTOW, AND THE  
MASSACHUETTS ASSOCIATION OF  
MINORITY LAW ENFORCEMENT  
OFFICERS,**

By their attorneys,

/s/ Eric A. Heining

Louis A. Rodriques, BBO #424720  
Rheba Rutkowski, BBO #632799  
Raquel J. Webster, BBO #658796  
Robert B. Baker, BBO #654023  
Eric A. Heining, BBO # 664900  
**BINGHAM MCCUTCHEN LLP**  
150 Federal Street  
Boston, MA 02110-1726  
(617) 951-8000

Dated: August 17, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that, on August 17, 2007, a true copy of the above document was served upon the attorney of record for each other party electronically via the ECF/CM.

/s/ Eric A. Heining

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## Defendants.

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NO. 05-11832-GAO

**[PROPOSED] ORDER  
ON THE PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF  
NON-PRIVILEGED DEPOSITION TESTIMONY AND A RULE 26 PRIVILEGE LOG**

Upon plaintiffs' Motion to Compel defendants to (i) make available Sandra DeBow to provide full and complete deposition testimony, and (ii) to produce a detailed privilege disclosure that is fully compliant with the requirements of Fed. R. Civ. P. 26(b)(5)(A):

IT IS HEREBY ORDERED that:

1. The plaintiffs' motion is granted; and
2. Defendants shall make available Sandra DeBow to provide the full and complete deposition testimony to which plaintiffs are entitled; and
3. Defendants shall produce to plaintiffs a detailed privilege disclosure that is fully compliant with the requirements of Fed. R. Civ. P. 26(b)(5)(A) no later than September 5, 2007; and
4. Defendants shall pay the plaintiffs' costs, including attorneys' fees, incurred in bringing their motion, in an amount to be determined upon submission of an appropriate affidavit setting forth such costs within ten days of the date of this Order.

SO ORDERED.

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The Honorable George A. O'Toole

United States District Judge

Dated: \_\_\_\_\_, 2007